IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23967 of 2004

Between:

B.Yerru Naidu, S/o.Gummayya,
Cheedikada PACS, Cheedikada Mandal, Visakhapatnam District.

..... PETITIONER

AND

1 The District Cooperative officer, Visakhapatnam District at Visakhapatnam.
2 The Divisional Cooperative officer, Visakhapatnam, Visakhapatnam District.
3 The Cheedikada PACS, Cheedikada Mandal, Visakhapatnam District rep.by its Chairman/PIC

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of 3rd respondent in issuing impugned proceedings No.Nil, dated 7-7-2004 terminating the petitioner's services without any notice or opportunity after long spel of 11 1/2 years as highly illegal, arbitrary and violative of Art.14 and 21 of the Constitution of India apart from contrary to the provisions of A.P.Shops and Establishment Act and also Judgment of the Hon'ble Supreme court in Basudeo Tiwari Vs.Sido Kanhu University reported in 1988 AIR SCW 3186 and set aside the same.

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for the Respondent Nos.1 and 2: GP FOR COOPERATION

The Court, at the admission stage, made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 3rd respondent in terminating the petitioner's service with effect from 7.7.2004 without issuing any notice or giving any opportunity as illegal and arbitrary.

The case of the petitioner is that while he was working as Clerk with the 3rd respondent his services were terminated with effect from 7.7.2004.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation and perused the material on record.

The learned counsel for the petitioner has contended that the without there being any notice or opportunity, the petitioner's services were terminated.

On the other hand, the learned Government Pleader for the respondents has contended that the issue is squarely covered by the common order passed by this Court in W.P.No.3171 of 2003 and batch, dated 30.8.2004.

Whether the termination of service is bad in law or against the provisions of the Act is required to be decided by the Tribunal

constituted under the Industrial Dispute Act, 1947 or under A.P. Shops and Establishments Act, 1988.

In view of the orders passed by this Court in W.P.No.3171 of 2003, dated 30.8.2004, the writ petition is dismissed leaving open the remedies available under law to the petitioner to challenge the same in appropriate forum. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

9th March, 2005

bcj

To

1 The District Cooperative officer, Visakhapatnam District at Visakhapatnam.
2 The Divisional Cooperative officer, Visakhapatnam, Visakhapatnam District.
3 The Chairman/PIC, The Cheedikada PACS, Cheedikada Mandal, Visakhapatnam District

4 Two C.Cs. to the Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT)

5 Two C.D. copies